

**Lometa Independent School District**

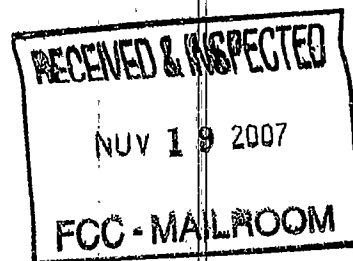
BOX 250

**LOMETA, TEXAS 76853**

512/752-3384 • FAX 512/752-3424

November 5, 2007

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554



RE: CC Docket No. 02-06

CC: 02-6

**Entity appealing:**

Lometa ISD

Billed Entity Number: 141165

Contact: David Rice PO Box 250, Lometa, Texas 76853

Phone: 512-752-3384

Fax: 512-752-8531

Email: drice@lisd.centex-edu.net

DOCKET FILE COPY ORIGINAL

**Decision appealed:**

Administrator's Decision On Appeal - Funding Year 2003-2004

Date of document: 10/09/2007

471 Application # 342072

FRN's: 921851 & 921855

Lometa ISD is seeking a Request for Review from the FCC.

Regarding funding year 2003-2004, FRN's 921851 & 921855 were approved in full. However, approximately four years passed and Lometa ISD received a Notification of Commitment Adjustment Letter dated April 24, 2007. This letter stated that Lometa ISD failed to post a new FCC Form 470 before extending its existing contract and failed to comply with the competitive bidding requirements therefore funding for FRN's 921851 & 921855 is being rescinded. Follow-up letters from USAC dated July 30, 2007 and August 10, 2007 stated that Lometa ISD did not post for the requested category of service (Internet Access).

In response to the USAC letters, Lometa ISD submitted three letters dated June 18, 2007; August 10, 2007; and August 13, 2007. These letters clearly outline and document how Lometa ISD posted a new FCC 470, requested a category of service for Internet Access Service and complied with competitive bidding requirements. However, we received a denial letter on October 9, 2007 regarding our appeal followed by a Demand Payment Letter.

Considering that Lometa ISD has shown a good faith effort to comply with all competitive bidding requirements this is not a case of waste, fraud or abuse but a clerical error. For that reason Lometa ISD is respectfully requesting the FCC to review the attached documents and direct USAC to restore full funding for FRN's 921851 & 921855.

Questions concerning this request can be directed to David Rice at 512-752-3384.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Rice".

David Rice  
Superintendent  
Lometa ISD

Attachments: Form 470, Block 2 Item #8  
Form 471, Block 5  
Response letters to USAC dated June 18, 2007; August 10, 2007; and August 13, 2007.

6b. Street Address, P.O.Box, or Route Number

6 211 Harper Rd. #39

City

Kerrville

State

TX

Zip Code

78028

6c. Telephone Number (830) 895- 5711

6d. Fax Number (830) 895- 1584

6e. E-mail Address jobenson@ktc.com

**Block 2: Summary Description of Needs or Services Requested****7 This Form 470 describes (check all that apply):**

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☐ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE:** Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

**What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.**

**8 ☒ Telecommunications Services**

***Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?***

- a. ☐ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity(e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

**Service or Function:**

POTS Service

LD Service

Internet Access Service

**Quantity and/or Capacity:**

10 existing lines &amp; 0 additional

10 existing lines &amp; 0 additional

2 existing T-1 lines &amp; 0 additional



4/1 Information  
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00

23i. Total program year pre-discount amount ( 23e + 23h): \$10,984.80

23j. % discount (from Block 4): 80

23k. Funding Commitment Request ( 23i x 23j): \$8,787.84

FRN: 921851

FCDL Date: 06/09/2003

11. Category of Service:

Internet Access

12. 470 Application Number: 149020000296593

13. SPIN: 143004099

14. Service Provider Name: Central Texas Communications

15. Contract Number: N/A

16. Billing Account Number: 512-555-2715

17. Allowable Contract Date:

10/24/2000

18. Contract Award Date: 12/14/2000

19a. Service Start Date:

07/01/2003

19b. Service End Date:

20. Contract Expiration Date: 06/30/2004

21. Attachment #: LOM0603

22. Block 4 Entity Number: 88293

23a. Monthly Charges:

\$300.00

23b. Ineligible monthly amt.: \$0.00

23c. Eligible monthly amt.:

\$300.00

23d. Number of months of service: 12

23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$3,600.00

23f. Annual non-recurring

(one-time) charges: 0

23g. Ineligible non-recurring amt.: 0

23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00

23i. Total program year pre-discount amount ( 23e + 23h): \$3,600.00

23j. % discount (from Block 4): 80

23k. Funding Commitment Request ( 23i x 23j): \$2,880.00

FRN: 921855

FCDL Date: 06/09/2003

11. Category of Service:

Internet Access

12. 470 Application Number: 149020000296593

13. SPIN: 143004099

14. Service Provider Name: Central Texas Communications

15. Contract Number: N/A

16. Billing Account Number: 512-555-1063

17. Allowable Contract Date:

10/24/2000

18. Contract Award Date: 12/14/2000

19a. Service Start Date:

07/01/2003

19b. Service End Date:

20. Contract Expiration Date: 06/30/2004

21. Attachment #: LOM0603

22. Block 4 Entity Number: 88293

23a. Monthly Charges: \$46.00

23b. Ineligible monthly amt.: \$0.00

23c. Eligible monthly amt.:  
\$46.00

23d. Number of months of service: 12

23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$552.00

23f. Annual non-recurring  
(one-time) charges: 0

23g. Ineligible non-recurring amt.: 0

23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00

23i. Total program year pre-discount amount ( 23e + 23h): \$552.00

23j. % discount (from Block 4): 80

23k. Funding Commitment Request ( 23i x 23j): \$441.60

FRN: 921864

FCDL Date: 06/09/2003

11. Category of Service:

12. 470 Application Number: 832720000420156

Telecommunications Service

13. SPIN: 143001197

14. Service Provider Name: MCI Communications Corporati

15. Contract Number: MTM

16. Billing Account Number: 08626644868

17. Allowable Contract Date:  
11/13/2002

18. Contract Award Date:

19a. Service Start Date:  
07/01/2003

19b. Service End Date: 06/30/2004

20. Contract Expiration Date:

21. Attachment #: LOM0604

22. Block 4 Entity Number: 88293

23a. Monthly Charges:  
\$506.22

23b. Ineligible monthly amt.: \$.00

23c. Eligible monthly amt.:  
\$506.22

23d. Number of months of service: 12

23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$6,074.64

23f. Annual non-recurring  
(one-time) charges: 0

23g. Ineligible non-recurring amt.: 0

23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00

23i. Total program year pre-discount amount ( 23e + 23h): \$6,074.64

23j. % discount (from Block 4): 80

23k. Funding Commitment Request ( 23i x 23j): \$4,859.71

### Block 6: Certifications and Signature

24a. Schools: Y

June 18, 2007

Letter of Appeal  
Schools and Libraries Division  
Dept. 25 – Correspondence Unit  
100 South Jefferson Road  
Whippany, NJ 07981

RE: Appeal

**Entity appealing:**

Lometa Independent School District  
BEN: 141165  
David Rice  
8<sup>th</sup> Street and Main  
PO Box 250  
Lometa, Texas 76853  
Phone: 512-752-3384  
Fax: 512-752-8531  
Email address: drice@lisd.centex-edu.net

**Decision appealed:**

Funding Commitment Decision Letter  
Date of Document: April 24, 2007  
Funding Year 2003  
471 Application #: 342072  
FRN: 921851 & 921855  
SPIN: 143004099

**Subject of the Appeal:**

According to the Commitment Adjustment Letter, FRN 921851 & 921855 are denied because Lometa ISD failed to post a new FCC Form 470 before extending its existing contract and therefore failed to comply with the competitive bidding requirements.

**Explanation:**

The explanations and documents presented below clearly show the intent and good faith effort of Lometa ISD and their E-rate consultant to comply with all rules and guidelines for Funding Year 2003.

It is the opinion of Lometa ISD that they clearly:

- (1) Established an Internet Access contract in Funding Year 2001 that would be renewed annually;
- (2) Cited their intent for Internet Access services by posting a new Form 470 for Funding Year 2003 before extending the existing contract;

**(3) Complied with competitive bidding requirements; and**

(4) Cited their intent to renew the existing Internet Contract by referencing the establishing Form 470 Application Number 149020000296593 on Form 471 Block 5 for Funding Year 2003 FRN's 921851 & 921855.

The above-mentioned explanations are supported by the following Form 470 & Form 471 facts:

For Funding Year 2001 the E-rate consultant on behalf of Lometa ISD posted a Form 470 (Application # 149020000296593) on 09/26/2000 on the USAC website and, after waiting 28 days, Lometa ISD entered into a contract for Internet Access with Central Texas Communications (SPIN 143004099). According to the contract, "the term will be from July 1, 2001 and continue through June 30, 2002 and will be renewed annually;" Specifically, the contract will be renewed for another year and does not convert to a month-to-month contract. Furthermore, according to the Lometa E-rate consultant, this is the establishing Form 470 for Internet Access and is to be referenced on future Forms 471 until a new contract is signed. It is important to note that no new contract was signed during the 2001-2006 E-rate Funding Years.

**Funding Year 2003**

For Funding Year 2003 the E-rate consultant on behalf of Lometa ISD posted a new Form 470 Application Number 832720000420156 on 10/16/2002.

Form 470 Block 2, Item #7:

- The Lometa E-rate consultant read this statement: *"Note: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470"* and interpreted it to mean that no new contract was needed because a contract for Internet Access was previously executed pursuant to posting of new a Form 470 and an existing contract was in place and is to be renewed annually.
- Specifically, The contract extension was not reported on Block 2 Item #7 because a signed, written contract executed pursuant to posting of a Form 470 in a previous program year (specifically Funding Year 2001) was in place AND the Funding Year 2003 Form 470 did NOT list multi-year or voluntary extensions as an option for the applicant to check (✓). As a result, Lometa was not able to cite voluntary contract extensions for Funding Year 2003 on Form 470.

Form 470 Block 2 Item #8:

- The establishing contract as cited on Form 470 Application Number 149020000296593 was extended each year for an additional year with the

extension being indicated on the cited Funding Year 2003 Form 470 Block 2 Item #8 as the E-rate consultant listed Internet services. Lometa then waited 28 days to comply with competitive bidding requirements before they submitted Form 471.

Form 471 Application Number 342072 was submitted and cited the establishing Form 470 Application Number 149020000296593 for Internet access on the following Block 5's.

Form 471 Application Number: 342072

- Block 5, FRN: 921851
  - Category of Service: Internet Access
  - 470 Application Number: 149020000296593
  - Contract Award Date: 12/14/2000
  - Service State Date: 07/01/2003
  - Contract Expiration Date: 06/30/2004

Form 471 Application Number: 342072

- Block 5, FRN: 921855
  - Category of Service: Internet Access
  - 470 Application Number: 149020000296593
  - Contract Award Date: 12/14/2000
  - Service State Date: 07/01/2003
  - Contract Expiration Date: 06/30/2004

It is important to note that Lometa ISD established a pattern of referencing the establishing Form 470 Application number for Internet Access on Form 471 Block 5 for these consecutive Funding Years: 2001, 2002, 2003, 2004, 2005 and 2006.

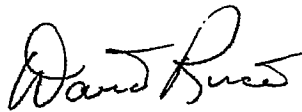
The following forms are attached are attached to support the above-mentioned statements.

- Copy of the original contract establishing Internet Access with Central Texas Communications is attached which clearly documents the language that the contract will be renewed annually.
- Copy of the Funding Year 2001 Form 470 (Application Number 149020000296593), which clearly documents this form as the establishing Form 470 for the Internet Access contract.
- Copy of Form 470 & Form 471 for Funding Year 2003 to support and document the intent and good faith effort of Lometa ISD to post a new Form 470 and cite the request for Internet access on Form 470 before extending the existing contract; comply with bidding requirements; and to reference the establishing Form 470 Application Number on Form 471 Block 5 for FRN's 921851 & 921855.



Because these documents show that Lometa ISD posted a new FCC Form 470 before extending the existing contract; they referenced the establishing Form 470 for the Internet Access and complied with the competitive bidding requirements, they are respectfully requesting USAC to dismiss the Funding Commitment Adjustments for FRN's 921851 & 921855.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Rice".

David Rice  
Superintendent  
Lometa ISD

August 10, 2007

Pamela Tyler 973-599-6525  
Associate Manager  
Program Compliance Unit

RE: Lometa ISD, Application Number: 342072

The establishing Form 470 that established the bidding for the Internet contract is Funding Year 2001 Form 470 Application Number 149020000296593.

The CED changed based on the language in the contract. Also, a new Form 470 was posted for Funding Year 2003 on 10/16/2002. The Funding Year Form 470 Application Number is 832720000420156. The intent of Lometa ISD to request Internet Access services was cited on the Funding Year 2003 Form 470 Block 2 #8. Lometa then waited 28 days to comply with competitive bidding requirements before they submitted Form 471.

Attached are the following: *18 pages w/ this page*  
Establishing Form 470 which was established in Funding Year 2001  
Funding Year 2003 Form 470 which cites Internet Access  
Copy of establishing Internet Access Contract  
Letter from Central Texas Communications

I hope this information is helpful. Please contact me if you have questions.

Thanks!  
Peggy York

August 13, 2007

Pamela Tyler 973-599-6525  
Associate Manager  
Program Compliance Unit

RE: Lometa ISD, Application Number: 342072

Lometa ISD posted Year 2003 a new Form 470 # 832720000420156 to extend an existing Internet Contract.

Lometa cited the intent for Internet Access on FY 2003 Form 470 by listing Internet Access on Block 2 Item #8 under the Telecommunications Services category of Service. Lometa then waited 28 days to comply with competitive bidding requirements before they submitted Form 471.

Attached is the October 18, 2002 archived document that lists the eligible services for Funding Year 2003. Please refer to Telecommunication Services Section, specifically, page 6. You will find where Internet Access is listed as an eligible service under the Telecommunications Services category of service.

Also attached is page 2 of FY 2003 Form 470 # 832720000420156 which clearly documents the request for Internet Access under the category of Telecommunications Services.

It is the opinion of Lometa ISD that they clearly documented their intent to extend an existing Internet contract by posting a new Form 470 for FY 2003 and requesting Internet Access under the service category of Telecommunications Service on Block 2 #8 in order to comply with competitive bidding requirements. Therefore their appeal should be approved.

Sincerely,

Lometa Independent School District